

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

SHANE VINALES, ET AL.,

Plaintiffs,

VS.

AETC II PRIVATIZED HOUSING, LLC,
ET AL.,

Defendants.

5-19-CV-01280-RBF

ORDER

Before the Court are six motions in limine. *See* Dkt. Nos. 373, 374, 375, 377, 378, 379. The Court held a final pretrial conference on June 1, 2023, at which all parties appeared through counsel of record and presented argument on the pending motions. For the reasons stated on the record at the hearing, **IT IS ORDERED THAT:**

Defendants' Motion in Limine to Exclude Opinions and Testimony of Mark Eberwine, Dkt. No. 373, is **MOOT** based on the representations of counsel.

Defendants' Motion in Limine to Exclude Opinions and Testimony of Kristy Beck-Miller, Dkt. No. 374, is **GRANTED IN PART AND DENIED IN PART**. Beck-Miller may testify as an expert witness regarding the Vinales Plaintiffs' house. Beyond that scope, Plaintiffs will be required to establish the relevance of, and lay an appropriate foundation for, any additional expert testimony to be admitted at trial. Such testimony should not be elicited until counsel have approached the bench and received leave to proceed.

Defendants' Motion in Limine to Exclude Opinions and Testimony of Mike Krismer, Dkt. No. 375, is **GRANTED**. Plaintiffs must separately establish the relevance of and lay an appropriate foundation for any expert testimony to be admitted at trial. Such testimony should not be elicited until counsel have approached the bench and received leave to proceed.

Plaintiffs' Motion in Limine, Dkt. No. 377, is **GRANTED IN PART AND DENIED IN PART**. Items 1, 5, 7, 8, 9, 16, and 17 are **MOOT** as unopposed, based on the representations of counsel. Items 2, 13, and 14 are **GRANTED** by agreement, incorporating the clarifications of counsel discussed at the hearing. Item 18 is **GRANTED IN PART** as it pertains to references to the federal government's control or approval of Defendants' conduct. All other items are **DENIED** without prejudice to reraising objections to specific evidence or testimony at trial.

Defendants' Motion in Limine (General), Dkt. No. 378, is **GRANTED IN PART AND DENIED IN PART**. Items A, C, and D are **GRANTED**. Item B, pertaining to pre- and post-tenancy issues at the Vinales Plaintiffs' house, is also **GRANTED**, but as stated on the record, the Court expects some of this testimony to be admitted at trial with appropriate limits. Such testimony should not be elicited until counsel have approached the bench and received leave to proceed. Item E, pertaining to witnesses in military uniforms, is **MOOT** based on the representations of counsel.

Defendants' Motion in Limine (Specific), Dkt. No. 379, is **GRANTED**. As it pertains to Items A and B, as stated on the record, the Court expects some of this testimony to be admitted at trial with appropriate limits. Such testimony should not be elicited until counsel have approached the bench and received leave to proceed.

IT IS SO ORDERED.

SIGNED this 6th day of June, 2023.



RICHARD B. FARRER
UNITED STATES MAGISTRATE JUDGE